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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,362	10/29/2001	Osamu Kawashima	34111	1699
116	7590	03/26/2007	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			NGUYEN, HUY THANH	
			ART UNIT	PAPER NUMBER
			2621	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	03/26/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/045,362	KAWASHIMA ET AL.
	Examiner HUY T. NGUYEN	Art Unit 2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 January 2007 and 03 January 2007.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,11,12 and 15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,11,12 and 15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>1/15/07, 1/03/07, 11/01/06</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 15 January 2007 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject-matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1,12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno et al (6,721,494) in view of Yamagami (4,800,549).

Regarding claim 1, Kanno discloses a reproduction apparatus (Fig. 6) for reproducing digital information recorded on an disc, comprising: a pickup for reading said digital information recorded on said optical disc to have said digital information converted into electric signals, said digital information containing errors appearing when said digital information is read by said pickup; signal amplifying means (18) for amplifying said electric signals converted from said digital information read by said optical pickup; signal processing means for processing said electric signals in one or more times of retry routines to correct said errors outputted as said electric signals from said signal amplifying means; a buffer memory (36) for storing said electric signals outputted from said signal processing means (column 19,lines 1-10); signal decoding means for decoding said electric signals stored in said buffer memory and outputted from said buffer memory (column 18 lines 55-65); pickup driving means for driving said optical pickup to move on said optical disc, said errors being associated with respective addresses to be targeted by said pickup (column 6, lines 42-58, column 18 lines 42-52when said optical pickup is moved by said pickup driving means; information residue detecting means for detecting an amount of residue digital information remaining in said buffer memory; and retry controlling means for controlling said one or more times of retry routines based on said amount of residue digital information detected by said

information residue detecting means when said digital information fails to be read out of said optical disc (column 19, line 45 to column 20, line 50).

Kanno fails to specifically teach using an optical disc and an optical pickup for recording and reproducing the data. However it is noted that using a optical recording/reproducing apparatus having an optical pickup for recording and reading the data on and from an optical disc is well known in the art as taught by Yamagami. Yamagami teaches a recording apparatus having a optical pickup for recording and reproducing the data on and from an optical disc using target address (Abstract, Figs. 14 column 1 lines 5-11, column 2 lines 1-50). It would have been obvious to one of ordinary skill in the art to modify Kanno with Yamagami by using an optical recording/reproducing apparatus as taught by Yamagami as an alternative to the recording/reproducing apparatus for recording and reproducing the data.

Method claim 15 corresponds to apparatus claim 1. Therefore, method claim 15 is rejected by the same reason as applied to apparatus claim 1.

Regarding claim 12, Kanno further teaches the retry controlling means has a retry counter indicative of said retry times and an upper limit times by which said retry routine is repeated (column 20, lines 40-50).

4. Claims 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno et al (6,721,494) in view of Yamagami (4,800,549) as applied to claim 1 above further in view of Takagi et al (5,88,691).

Regarding claim 11 Kanno fails to teach the electric signal has a newest address representative of a first section in said buffer memory and an oldest address representative of a second section in said buffer memory, said first section assuming a position spaced apart from said second section; and in which said buffer memory comprises a write pointer serving to indicate said newest address of said electric signal stored in said buffer memory, and a read pointer functioning to indicate said oldest address of said electric signal stored in said buffer memory.

Takagi teaches a buffer having pointer for storing signal that has a newest address representative of a first section in said buffer memory and an oldest address representative of a second section in said buffer memory, said first section assuming a position spaced apart from said second section; and in which said buffer memory comprises a write pointer serving to indicate said newest address of said electric signal stored in said buffer memory, and a read pointer functioning to indicate said oldest address of said electric signal stored in said buffer memory (Fig. 1).

It would have been obvious to one of ordinary skill in the art to modify Kanno with Takagi by using a buffer as taught by Takagi with the apparatus of Kanno as an alternative to the buffer of Kanno for accurately accessing the data.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N

  
HUY NGUYEN  
PRIMARY EXAMINER